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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,392	11/28/2003	Jae-Seob Choi	P24478	7180

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EXAMINER

VANTERPOOL, LESTER L

ART UNIT PAPER NUMBER

3727

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/722,392	Applicant(s) CHOI, JAE-SEOB	
	Examiner Lester L. Vanterpool	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>March 05, 2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 & 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olausson (U.S. Patent Number 6138969) in view of Chivallier et al., (U.S. Patent Number 5988572) in view of Wang (U.S. Patent Number 6283348).

Olausson discloses the main body (10 & 11) fixed to a designated position inside the groove formed in an instrument panel in the automobile (column 2, line 33 – 34) (See Figures 1 & 3); provided with an internal portion (23) formed by a depression formed into a front surface at a designated depth (See Figure 3). Furthermore, Olausson discloses the internal portion (23) of the main body.

However Olausson does not disclose a holder formed at a lower area of the internal portion of the main body; a push cover rotatably hinged to the front surface of the main body; and an elastic member interposed between the push cover and the main body to provide an elastic force to the push cover when the push cover is rotated.

Chivallier et al., teaches the holder (32) formed at the lower area of the internal portion of the main body for the purpose of adequately supporting the stored item. See

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Figures 1 & 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the memo holder as taught by Olausson with the holder as taught by Chivallier et al., in order to adequately secure an item from sliding out from the bottom.

Moreover, Wang teaches the push cover (13) rotatably hinged to the front surface of the main body (11 & 12); and an elastic member (126) interposed between the push cover (13) and the main body (12) to provide an elastic force to the push cover (13) when the push cover (13) is rotated (column 3, line 14 – 25) for the purpose of clamping. See Figure 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the memo holder of taught by Olausson with the push cover as taught by Wang in order to enhance movement capabilities.

Regarding claim 4, Wang teaches the pair of fixtures (124) are formed at a central area of the internal portion of the main body (See Figure 2); the pair of connectors (132) are formed at a central area of a rear surface of the push cover (13) so that the connectors (132) face the fixtures (124) (See Figure 2); the hinge pin (133) is inserted into the fixture (124), the connector (132) and the elastic member (126) under the condition that the elastic member (126) is interposed between the fixtures (124) and the connectors (132). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the memo holder as taught by Olausson with the pair of fixtures as taught by Wang in order to increase durability and reliability.

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3. Claims 2 & 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olausson (U.S. Patent Number 6138969) in view of Chivallier et al., (U.S. Patent Number 5988572) in view of Wang (U.S. Patent Number 6283348) as applied to claim 1 above, and further in view of Poplawsky et al., (U.S. Patent Number 6341218). Wang discloses the protrusion wall (111) formed along an edge of the holder (11) (column 2, line 13 – 17) (See Figure 3). Wang further discloses the invention substantially as claimed. Wang discloses the support plate (1181) connected to an outer circumference of the protrusion wall (114, 115, 116, & 1161) (column 2, line 19 – 23). See Figure 2.

Furthermore, Olausson and Chivallier et al., do not disclose a protrusion wall formed along an edge of the holder and a support plate connected to an outer circumference of the protrusion wall. Poplawsky teaches the protrusion wall (96) formed along the edge of the holder (16) for adequately holding and securing the item being stored. See Figure 5. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the memo holder as taught by Olausson with the protrusion walls as taught by Poplawsky et al., in order to enhance the storage area and further secure the product while stowed.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poplawsky et al., (U.S. Patent Number 6341218). Poplawsky et al., teaches the surface (66) of the holder (16) has an embossed structure for the purpose of design. See Figure 5. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the memo holder as taught by Olausson with the

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embossed structure as taught by Poplawsky et al. in order to provide brand name recognition and or provide product character individuality.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olausson (U.S. Patent Number 6138969) in view of Chivallier et al., (U.S. Patent Number 5988572) in view of Wang (U.S. Patent Number 6283348) as applied to claim 1 above, and further in view of Choi (U.S. Patent Number 6755455). Olausson, Chivallier et al., and Wang disclose the invention substantially as claimed. However, Olausson, Chivallier et al., and Wang do not disclose the outer surface of the push cover coincides with the outer surface of the instrument panel. Choi teaches the outer surface of the push cover (400) coincides with the outer surface of the instrument panel for the purpose of presenting a flush appearance. See Figures 1 – 4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the memo holder as taught by Olausson with the push cover as thought by Choi in order to enhance an automobile trim flush finish polish décor setting.

Conclusion

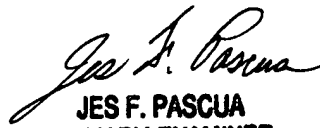
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LLV


JES F. PASCUA
PRIMARY EXAMINER